

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE: §
§
KETCHUM & ASSOCIATES, LTD. § CASE NO. 13-60771
EIN: XX-XXX5490 §
§
DEBTOR. § CHAPTER 7

TRUSTEE'S MOTION FOR APPROVAL OF SALE OF REAL PROPERTY INTEREST
(205 INTERSTATE 20 NORTH ACCESS RD., KILGORE, GREGG COUNTY, TEXAS 75662)

NOTICE PURSUANT TO LOCAL RULE 9007(a)

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET ANY MATTER FOR HEARING.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JASON R. SEARCY, TRUSTEE for the estate of Ketchum & Associates, Ltd., in the above styled and numbered cause and makes this his Motion for Approval of Sale of Real Property Interest; and in support thereof, respectfully represents as follows:

I.

Movant is the duly appointed and serving Trustee for the estate of the above-named Debtor.

II.

A portion of the Debtor's estate, consists of that certain real property interest being generally described as:

(a) All Debtor's interest in and to the property being generally described as: LTS 1A; 1B; 2; 2A & 18G, BLK 5, Liberty City Heights (known as Sure Shots Sports Bar and Grill, Liberty City, and more commonly known as 205 Interstate 20 North Access Rd., Kilgore, Gregg County, Texas 75662.

III.

Your Trustee has been tendered an offer of sale on the above-described real property interest by virtue of a Commercial Contract - Improved Property ("Contract") in the amount of \$65,000.00 from Dr. J.T. Roberts, P.O. Box 8000, Kilgore, Texas 75662, (903) 983-2020. A copy of the original Contract is attached hereto as Exhibit "A" and incorporated herein for all purposes. The proposed sales price is for a 100% interest in the property and is a cash offer.

IV.

Movant desires to accept the Contract offer and sell the above-described real property interest pursuant to the terms and conditions of the Contract. The Trustee will pay from the closing proceeds all proved liens, taxes and costs of sale (if any), specifically including but not limited to Elizabeth Williams ("Williams"), Mark Emory ("Emory"), Kendall Gaines ("Gaines"). The Proof of Claim filed on behalf of Gregg County was withdrawn on September 11, 2014, (*Dkt.*, #35). A copy of the Compromise and Settlement Agreement approved by this Court on October 21, 2014 (*Dkt.* #37) outlining the treatment of the claims of Williams, Emory and Gaines, as well as, the Releases signed over to the Trustee are attached hereto as Exhibit "B" and incorporated herein for all purposes. Additionally, the Trustee will pay from the closing proceeds (or have deducted from the proceeds) the Estate's share of the realtor's commission, premium for title policy, and other incidental closing

expenses that are reasonable and customary in real estate transactions, with the remaining portion of the final sales proceeds being paid to Jason R. Searcy as Trustee for the bankruptcy estate.

V.

To the best of Trustee's knowledge and belief, the prospective purchaser, Dr. J.T. Roberts, is a disinterested person as defined in 11 U.S.C. §101(14).

WHEREFORE PREMISES CONSIDERED, Jason R. Searcy, Trustee for the estate of Ketchum & Associates, Ltd., prays for an Order of this Court approving the sale of the real property interest in accordance with the provisions of this Motion; and for such other and further relief as is just.

DATED this 6th day of April, 2015.

RESPECTFULLY SUBMITTED,

SEARCY & SEARCY, P.C.

BY: **Jason R. Searcy**
JASON R. SEARCY
P.O. BOX 3929
LONGVIEW, TEXAS 75606
(903) 757-3399
FAX (903) 757-9559
STATE BAR NO. 17953500

ATTORNEY FOR TRUSTEE.

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true and correct copy of the above and foregoing document was served through electronic mail pursuant to the Electronic Case Management system of the United States Bankruptcy Court for the Eastern District of Texas on the 6th day of April, 2015. I further certify that a true and correct copy of the above and foregoing documents was served via regular, first class mail to Ketchum & Associates, Ltd., Debtor, by and through attorney of record - Debtor is no longer in business; Richard Hughes, Attorney for Debtor, 3535-C South Broadway, Tyler, TX 75701; and to each interested party shown on the attached Master Service List on or before April 6, 2015.

Jason R. Searcy
JASON R. SEARCY